

REMARKS/ARGUMENTS

Claims 1-34 are pending in the present application. The Examiner has rejected claims 1-34. Applicant respectfully requests reconsideration of pending claims 1-34.

The Examiner has rejected all of claims 1-34 under either 35 U.S.C. § 102 or 35 U.S.C. § 103, citing what the Examiner apparently considers to be prior art. In the Examiner's Response to Arguments, the Examiner states, as follows:

"Art rejections: Examiner reiterates Examiner's argument as set forth in the final rejection, with reference to the rejected claims under Puntambekar reference. Applicants argue on page 11, that the recited structure of the multiprotocol switch is not the same as that of figure 4 disclosed by Puntambekar, stating that the figure 4 depicts several switches. Examiner respectfully disagrees, because the functions of the claimed "structure" are the same of the multi-protocol switching structure of that of Puntambekar as indicated in the rejection above."

Applicant submits the Examiner's position runs contrary to established Office procedure and underlying case law. Applicant notes MPEP § 2114 states, in part, as follows:

A PRIOR ART DEVICE CAN PERFORM ALL THE FUNCTIONS OF THE APPARATUS CLAIM AND STILL NOT ANTICIPATE THE CLAIM

Even if the prior art device performs all the functions recited in the claim, the prior art cannot anticipate the claim if there is any structural difference. It should be noted, however, that means plus function limitations are met by structures which are equivalent to the corresponding structures recited in the specification. *In re Ruskin*, 347 F.2d 843, 146 USPQ 211 (CCPA 1965) as implicitly modified by *In re Donaldson*, 16 F.3d 1189, 29 USPQ2d 1845 (Fed. Cir. 1994). See also *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1951 (Fed. Cir. 1999) (The claims were drawn to a disposable diaper having three fastening elements. The reference disclosed two fastening elements that could perform the same function as the three fastening elements in the claims. The court construed the claims to require three separate elements and held that the reference did not disclose a separate third fastening element, either expressly or inherently.).

As the Examiner relies on the Examiner's assertion that "the functions of the claimed 'structure' are the same of the multi-protocol switching structure of that of Puntambekar as indicated in the rejection above," Applicant submits the rejection is improper.

Moreover, Applicant notes the Examiner states, “Examiner reiterates Examiner’s argument as set forth in the final rejection, with reference to the rejected claims under Puntambekar reference.” In the final rejection, the Examiner stated, on page 4, lines 1 and 2, “(if the switch is to act as a leaf switch it forwards the cell by changing the VPI (see figure 4 and column 9 line 59 through column 10 line 26)).” However, Applicant submits the Examiner has mischaracterized the teachings of the cited reference. For example, the only mention Applicant can find of “leaf” in the portion of the Puntambekar reference cited by the Examiner appears to be in column 10, lines 25 and 26, which merely states, “nor is it necessary for an intermediate switch to have been established as a leaf before a switch downstream of the intermediate switch becomes a leaf.” However, Applicant notes column 9, lines 34-51, of the Puntambekar reference appears to discuss “a leaf switch,” including column 9, lines 45-51, which state, “Thus the leaf switch determines the following from the destination address in the frame: (1) the MPT to send the data cells on to reach the destination (root) switch, and (2) the connection ID to be included with the data cells in order to reach the correct FE and Reassembly Identifier VC Entry RI on the destination switch.” Thus, Applicant submits the alleged distinction the Examiner asserts with respect to “a leaf switch” and “a root switch” is not valid. Therefore, Applicant submits the cited portions of the cited reference fail to disclose the features set forth in claims the Examiner has rejected based on the above-referenced assertions.

The Examiner has rejected claims 1, 2, 6, 7, 17, 22, 23, 25, and 34 under 35 U.S.C. § 102(e) as being anticipated by Puntambekar et al. (U.S. Patent No. 6,097,726). Applicant respectfully disagrees.

Regarding claims 1, 2, 6, 7, 17, 22, 23, 25, and 34, Applicant has presented argument above with respect to the Examiner’s assertions regarding alleged teachings as to “a leaf switch” and “a root switch.” Accordingly, Applicant submits the cited portions of the cited reference not only fail to disclose, but also teach away from, features recited “when the cell protocol is a first protocol” and “when the cell protocol is a second protocol” in the subject claims. Moreover, Applicant notes Applicant’s other arguments as set forth in the previous response. Thus, Applicant submits claims 1, 2, 6, 7, 17, 22, 23, 25, and 34 are in condition for allowance.

The Examiner has rejected claims 3-5 under 35 U.S.C. § 103(a) as being unpatentable over Puntambekar et al. in view of Honda et al. (U.S. Patent No. 6,147,999). Applicant respectfully disagrees.

Regarding claims 3-5, Applicant has presented arguments as to the Puntambekar reference teaching away from the features of the independent claim from which claims 3-5 depend. Accordingly, Applicant submits the teachings of Puntambekar further teach away from any combination of the Puntambekar and Honda references and prevent there from being any motivation to combine the cited references. Therefore, Applicant submits claims 3-5 are in condition for allowance.

The Examiner has rejected claims 8-12, 18, 19, 24, 26, and 31-33 under 35 U.S.C. § 103(a) as being unpatentable over Puntambekar et al. in view of Zheng et al. (U.S. Patent No. 6,611,522). Applicant respectfully disagrees.

Regarding claims 8, 12, 24, and 26, as noted above, Applicant submits that Puntambekar et al. teach away from the present invention as set forth in claim 1, from which claims 8 and 12 depend, and claim 17, from which claims 24 and 26 depend. Thus, Applicant submits that Puntambekar et al. further teach away from any attempt to combine the teachings of Puntambekar et al. and Zheng et al. Therefore, Applicant submits that neither Puntambekar et al. nor Zheng et al., either alone or in any attempted combination, teach or suggest the present invention, as set forth in claims 8, 12, 24, and 26. Consequently, Applicant submits that claims 8, 12, 24, and 26 are in condition for allowance.

Regarding claims 9 and 33, as noted above and below, Applicant submits that Puntambekar et al. teach away from the present invention as set forth in claim 1, from which claim 9 depends, and claim 31, from which claim 33 depends. Thus, Applicant submits that Puntambekar et al. further teach away from any attempt to combine the teachings of Puntambekar et al. and Zheng et al. Therefore, Applicant submits that neither Puntambekar et al. nor Zheng et al., either alone or in any attempted combination, teach or suggest the present invention, as set forth in claims 9 and 33. Consequently, Applicant submits that claims 9 and 33 are in condition for allowance.

Regarding claims 10, 11, and 18, as noted above and below, Applicant submits that Puntambekar et al. teach away from the present invention as set forth in claim 1, from which claims 10 and 11 depend, and claim 17, from which claim 18 depends. Thus, Applicant submits that Puntambekar et al. further teach away from any attempt to combine the teachings of Puntambekar et al. and Zheng et al. Therefore, Applicant submits that neither Puntambekar et al. nor Zheng et al., either alone or in any attempted combination, teach or suggest the present invention, as set forth in claims 10, 11, and 18. Consequently, Applicant submits that claims 10, 11, and 18 are in condition for allowance.

Regarding claim 19, as noted above and below, Applicant submits that Puntambekar et al. teach away from the present invention as set forth in claim 17, from which claim 19 depends. Thus, Applicant submits that Puntambekar et al. further teach away from any attempt to combine the teachings of Puntambekar et al. and Zheng et al. Therefore, Applicant submits that neither Puntambekar et al. nor Zheng et al., either alone or in any attempted combination, teach or suggest the present invention, as set forth in claim 19. Consequently, Applicant submits that claim 19 is in condition for allowance.

Regarding claims 31 and 32, Applicant notes the Examiner states, "the claim limitations correspond to similar limitations as that of claim 1 and therefore these limitations are rejected for the same reasons as claim 1 (see the 35 USC 102(e) rejection on claim 1, as discussed above)." Applicant has presented arguments for the allowability of claim 1 above. To whatever extent the Examiner (but not necessarily Applicant) considers claims 31 and 32 to recited "similar limitations as that of claim 1," Applicant submits claims 31 and 32 are also allowable. Moreover, Applicant has presented arguments as to the Puntambekar reference not only failing to disclose, but also teaching away from, the features of claim 1. To whatever extent the Examiner (but not necessarily Applicant) considers claims 31 and 32 to recited "similar limitations as that of claim 1," Applicant submits the teachings of Puntambekar further teach away from any combination of the cited references and prevent there from being any motivation to combine the cited references. Therefore, Applicant submits claims 31 and 32 are in condition for allowance.

The Examiner has rejected claims 13-16 and 27 under 35 U.S.C. § 103(a) as being unpatentable over Puntambekar et al. in view of Smith et al. (U.S. Patent No. 6,128,649). Applicant respectfully disagrees.

Regarding claims 13-16 and 27, As noted above, Applicant submits that Puntambekar et al. teach away from the present invention as set forth in claim 1, from which claims 13-16 depend, and claim 17, from which claim 27 depends. Thus, Applicant submits that Puntambekar et al. further teach away from any attempt to combine the teachings of Puntambekar et al. and Smith et al. Furthermore, Applicant notes that the Examiner states that Puntambekar et al. do not disclose that the switch operates using a multicasting protocol. Therefore, Applicant submits that neither Puntambekar et al. nor Smith et al., either alone or in any attempted combination, teach or suggest the present invention,

as set forth in claims 13-16 and 27. Consequently, Applicant submits that claims 13-16 and 27 are in condition for allowance.

The Examiner has rejected claims 20, 28, and 29 under 35 U.S.C. § 103(a) as being unpatentable over Puntambekar et al. in view of Honda et al. and further in view of Zheng et al. Applicant respectfully disagrees.

Regarding claims 20, 28, and 29, as noted above, Applicant submits that Puntambekar et al. teach away from the present invention as set forth in claim 17, from which claim 20 depends. Thus, Applicant submits that Puntambekar et al. further teach away from any attempt to combine the teachings of Puntambekar et al., Honda et al., and Zheng et al. Also, as noted above with respect to Honda et al., Applicant submits that there is no suggestion to combine the teachings of Honda et al. disclosed specifically in the context of “the ATM router” with the teachings of Puntambekar et al. so as to allegedly suggest the “multi-protocol switch” as set forth in claims 28 and 29 or the “method for routing cell traffic using a multi-protocol switch” as set forth in claim 20. Furthermore, Applicant notes that the Examiner states that Puntambekar et al. do not disclose segmenting the reassembled packet to produce segmentation cells and forwarding segmentation cells. Therefore, Applicant submits that none of Puntambekar et al., Honda et al., or Zheng et al., either alone or in any attempted combination, teach or suggest the present invention, as set forth in claim 20. Furthermore, the Examiner states that Puntambekar et al. do not disclose that the ingress line card segments the reassembled packet to produce segmented cells. Therefore, Applicant submits that none of Puntambekar et al., Honda et al., or Zheng et al., either alone or in any attempted combination, teach or suggest the present invention, as set forth in claims 20, 28, and 29. Consequently, Applicant submits that claims 20, 28, and 29 are in condition for allowance.

The Examiner has rejected claims 21 and 30 under 35 U.S.C. § 103(a) as being unpatentable over Puntambekar et al. in view of Honda et al. and Zheng et al. and further in view of Yang et al. (U.S. Patent No. 5,917,819). Applicant respectfully disagrees.

Regarding claims 21 and 30, Applicant notes that the cited portion of Yang et al. states, “...the appropriate VPI/VCI destination address is retrieved from the output translation table 16 as illustrated in step 86 using the local CID as an index prior to transmission of the cell as illustrated in step 88.” Thus, rather than teaching “determining an egress index for the reassembled packet based on the

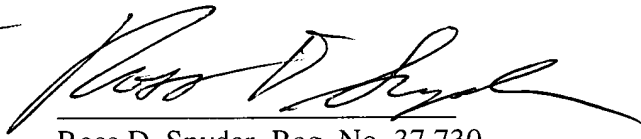
destination address," Yang et al. appear to teach away from such feature by appearing to teach "using the local CID as an index" to retrieve "the appropriate VPI/VCI destination address." Furthermore, Applicant notes that the Examiner states that Puntambekar et al. do not disclose determining an egress index for the reassembled packet based on the destination address and using the egress index to forward at least a portion of the reassembled packet to at least one egress connection. Also, with respect to claim 30, as noted above with respect to Honda et al., Applicant submits that there is no suggestion to combine the teachings of Honda et al. disclosed specifically in the context of "the ATM router" with the teachings of Puntambekar et al. so as to allegedly suggest the "multi-protocol switch" as set forth in claim 30. Therefore, Applicant submits that none of Puntambekar et al., Zheng et al., or Yang et al., either alone or in any attempted combination, teach or suggest the present invention, as set forth in claims 21 and 30. Consequently, Applicant submits that claims 21 and 30 are in condition for allowance.

In conclusion, Applicant has overcome all of the Office's rejections, and early notice of allowance to this effect is earnestly solicited. If, for any reason, the Office is unable to allow the Application on the next Office Action, and believes a telephone interview would be helpful, the Examiner is respectfully requested to contact the undersigned attorney.

Respectfully submitted,

Date

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